



Appeal Decision

Site visit made on 13 May 2021

by R. Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/K3605/D/21/3267326

63 Albany Road, Hersham, Walton-on-Thames KT12 5QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Katy Fernandes against the decision of Elmbridge Borough Council.
 - The application Ref 2020/2764, dated 17 October 2020, was refused by notice dated 26 November 2020
 - The development proposed is single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) (GPDO).

Reasons

3. The appeal relates to a single-storey rear extension to No.63 Albany Road (No.63), a two-storey semi-detached dwellinghouse. The proposed development would comprise the demolition of the existing outrigger, save the party wall with the adjoining house at No.65 Albany Road (No.65), and construction a single-storey building extending 5.8m beyond the main rear elevation of the dwellinghouse.
4. The original dwellinghouse is defined in the GPDO as the house as it existed on 1st July 1948 or if built after this date, how it was originally built. The appellant has provided in evidence an extract from the Ordnance Survey (OS) Map Surrey XII.9 (Walton-upon-Thames) Revised: 1933 which shows No.63 as having a rear outrigger and outside WC. It shows the same rear building line as its attached neighbour at No.65. A second OS extract has been provided by the appellant also showing No.63 with its original outrigger in 1939.
5. At some point since 1939, a rear bathroom extension has been added to No.63 infilling the small gap between the original outside WC and the common boundary with No.65 and extending beyond the original rear wall and that of its neighbour. The appellant's case is that there are no planning or building

regulation records since 1948 to suggest that it was built after this time. I have, however, no substantive evidence before me that the extension was built between 1939 and 1948 and the flat roof design of the bathroom and the relatively new appearance of the brick, suggests to me a later addition. I am not therefore persuaded that the existing floorplans submitted show the original dwellinghouse for the purposes of the GPDO definition.

6. Where the enlarged part of the extension would extend beyond a wall forming a side extension of the original dwellinghouse, a proposal must meet all the limitations in Schedule 2, Part 1, Class A.1(j)(i) to (iii) of the GPDO in order to constitute permitted development (PD). Limitation (iii) states that an extension would not be PD where it would extend beyond the side wall of the original dwellinghouse and would have a greater width than half the width of the original dwellinghouse. The *Permitted development rights for householder – Technical Guidance, September 2019* explains that a wall forming a side extension will be any that cannot be identified as being a front or a rear wall. The side wall of the of the rear outrigger cannot be identified as a front or rear wall and is, therefore, a side wall. Consequently, the extension extends beyond the side extension of the rear outrigger.
7. The existing outrigger would be demolished, and the proposed single-storey building would be 4.275m in width, the full width of the original house calculated at its widest point. I am therefore satisfied that in any event this would not constitute PD under the terms of Part 1, Class A.1(j)(iii) of the GPDO and accordingly the appeal is dismissed.

R. Jones

INSPECTOR
